

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, APRIL 5, 2010**

Mayor Michaelis called the Regular Session to order at 7:00pm. Councilmembers present were Rickher, Bardill, Bellm and Zobrist. Others in attendance: City Manager Mark Latham, City Attorney Harold Belsheim, Directors Cook, Gillespie, Rusteberg and Schoeck, Police Chief Bell, Supervisor Limestall, EMS Captain Crosby, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm; 29 citizens and 1 member of the news media.

MINUTES

Councilman Bardill made a motion to approve the minutes of the March 8, 2010 Special Budget Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to approve the minutes of the March 15, 2010 Regular Session as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilman Bardill made a motion to approve the minutes of the March 22, 2010 Special Budget Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

PUBLIC FORUM

Citizens' Requests and Comments:

John Carey, 1225 Lynn Street, stated he has lived in Highland since 1977. He is here to address the skyrocketing problem with crime in our neighborhood and surrounding area. There has been some vehicle break-ins, vandalism, stolen property, and stealing of gasoline. The police have been called in each instance and they have responded accordingly. There have been arrests made. A good majority of the crime has come from residents in the El-Kay Apartment Complex. This is where the arrest occurred. As a community, I feel this is something we need to address, because the police can only do so much. They can react after the fact, but have no power before that. Mr. Carey stated, as a community, I don't think we want these crimes to get more serious than they are. I would like to request that Chief Bell check with other communities and see what kind of regulations could be put into place to deter the criminal factor from moving in to Highland. Other communities have successfully done this.

Chief Bell began by thanking the citizens of this neighborhood for coming out. He stated, they have some real problems and they are searching for some long-lasting answers. We first met last year, about this time. Here we are again, with problems in similar but different areas of criminal activity. We all met last Monday night to discuss some of the measures they have taken to try to protect

themselves. Chief Bell asked for council input. What I would like to do is sit down with our city attorney and discuss what we can do to address this through the landlord. I feel it is important to address it at the core, rather than just the symptoms. This can be a broad range of things, from a crime-free volunteer program where we educate the landlord on how to do proper background checks, to doing nuisance abatements, to us doing rental inspections. One of the big things is doing background checks. If they have habitual criminal problems, then the city has the right to take action and hold the landlords accountable. He stated this is few landlords of those that rent in our community. Most of the landlords in this town do an outstanding job and are conscientious about whom they bring it, because it is their investment. Unfortunately, we have a handful that causes a large amount of problems. As you can see from the number of people here, it affects a lot of people, day in and day out. As we met last week, I urged them to come and speak their mind. Granite City, Glen Carbon, and Columbia have done well at curbing these issues. Different levels and different approaches can be used. We need to find something that works for us, and not just a carbon copy from some place else. I would ask that I bring to the council some ideas. Mayor Michaelis asked have you started a bike patrol for this year. Chief Bell replied yes, we started bike patrols and foot patrols specifically in that area. For this year, we have not used the bikes yet, as this is the first week of spring and we are getting that ramped up. We will do more patrol with bikes as the weather permits. We have also started neighborhood watch groups. This will be one of three or four areas that we will hit regularly with bike and foot patrols.

Joyce Hocker, 1201 El-Kay Court, Apt. 15, stated I live very close to the problem. I have three small children. We do not let them play outside, because of the situation. It was not like that when we first moved to Highland. We researched Highland and loved Highland as a community. We needed an apartment that we could afford at the time. It was a very nice place, with affordable rent. El-Kay was not owned by the people it is owned by now. In the changing of hands, the leases are now different then how they were written five years ago, when we moved in. When the police arrive, we turn around and call our landlord to say, there is police activity here again at the same apartments, again. All they say is 'thank you for letting me know.' A number of good people live in this apartment complex. Some have lived there at least fifteen or twenty years. Some are personal business owners in Highland and have been active community members for a number of years. They are tired of the harassment that comes from these few apartments. I would like to see if there is anything the council can do to get our landlord to work with us to make the improvements that need to be made.

Chief Bell reported that in the last six months, we have made twenty-two arrests of people that live in this complex or in the surrounding area connected to this, and the problems continue. This is going to take a continued effort. To say a law enforcement solution is going to take care of this would not be true. It is going to require continued action. The citizens are more than willing to make the effort and assist us.

Mr. Carey stated, I want to say, we have nothing against all our neighbors in the El-Kay complex. We just want the landlord to be a responsible property owner. Mayor Michaelis stated that conversation is going to occur between our attorney and Chief Bell, to see what we can do. Attorney Belsheim stated this is not the only community to have to address this subject. There is a lot percolating up through the system. The thing you always have to work around is finding the rule or regulation that is sharp enough to get at the people creating the issues without infringing on the rights of everyone else. There are easy things that are broad and sweeping, but they impact everyone and a lot of people who are not causing any problems are caught in the process. It is not a unique problem; it is a common problem that can be addressed. There are no quick fixes and overnight solutions, but there is a starting place. There are things we can do by the end of the week and there are things that we will work on over the time.

Jamie Wesselman, 1632 Broadway, stated she has lived there thirty-nine years. The last two years, things have been going down hill. There have been cameras in the trees and "no trespassing" signs posted. We have done everything to help the police department. We lock up our vehicles so that they don't steal, but then they damage the vehicles. You say this is not going to happen right away.

Do you have a timeline? Attorney Belsheim stated there are some things that can be done immediately, which are short-term, within a week. Legislative activity can only occur at these meetings, which would happen over several weeks to get organized legislation in front of the council. There are two meetings a month. Ms. Wesselman stated we do not want to see the ball dropped on this one. You don't live in our neighborhood and go through what we go through every night. Attorney Belsheim pointed out that the situation did not evolve in a week, and it won't get resolved in a week. It will take less time to resolve than it did to get there, but it won't happen in under two weeks. We need to look at what other communities are doing, discuss what works best here, draft legislation and have the council review it. In the meantime, we can use civil/police remedies and applying ordinances currently in place. We do have a lot more tools to get the attention of landlords than you do. We begin meeting and talking with the landlord, then that conversation moves to a narrower path. It is easy to make sweeping changes; however, you have good people that live in that complex who you do not want to negatively impact. It is not something that is going to get swept away. The chief is very focused on these issues.

Mr. Carey asked if we can get a regular update. Attorney Belsheim suggested Chief Bell coordinate with him to provide those. Every couple of weeks, the council will meet. Mayor Michaelis offered, call me at City Hall, if you wish and I will return your calls. He added he had asked Chief Bell about bike patrols only because police presence tends to work very well as a deterrent. Mr. Carey stated we appreciate the police presence; however, that is only going to move the problem to other areas around the community. We want to find something that is going to remove this from the community and deter the element from coming in. I realize that takes time. Attorney Belsheim agreed, I think you hit the nail on the head. If you do something very narrow or specific, you can generate constitutional issues and can wind up migrating the problem to a different place. The truth of the matter is, migration of crime is something we deal with, it often moves from one community to the next. . We want this to work for the entire community and draft a solution where this element says, 'maybe Highland isn't the place we want to go.' We do not want to create solutions in one area to place it in another area. However, those solutions do not occur overnight. Chief Bell added we are committed to solving this issue. We will continue to hit it from the resulting end and step up patrols. The residents have very much come forward to let us know what is going on. Some times, we have been there; other times we could have done better.

Joyce Hocker asked if there is a loitering ordinance that we could use at the complex. This afternoon there as a vehicle that was just parked there with kids hanging around for a period of time. Do we call in say there is a vehicle here out of the norm? Chief Bell stated we do not do loitering ordinances anymore, because they have been found unconstitutional. If it is a vehicle that should not be there or looks out of the norm, call us. We can come by and check it out.

Sylvester Holzinger stated he has lived on Lynn Street since 1968. Our son lived back in the El-Kay Meadows Apartments. When they moved in there, they had to go through all kinds of background and reference checks, to get that apartment. Now, has that changed, with all the other ones going in, that they just want to rent to anyone. They also had to put down a deposit for a month and a half of rent before they moved in. Now, it is my understanding they do not have to have a background check and very little deposit. Maybe that should be addressed with who owns the property. Mayor Michaelis stated that is something for the attorney to look into. You would think a prudent landlord would do those things, as it is their property.

Mike Riffel, 15 Shannon Court, stated his appreciation for what the council does to assist citizens of the community with these types of issues. It is great to see Highlanders helping fellow community members. Mr. Riffel stated a few community members approached me with concern over a bid that is before the council tonight. I am here to throw out an idea to the council. It has always been a belief of mine that, as a council and city, we should try to support our local businesses as best we can, and keep the jobs and money in Highland, within the letter of the law. As we look at a few projects, it is tough to see the local businessmen losing out by small percentages. I have heard things, but I am not

sure how true they are. I heard Missouri has a 2% floor and Springfield has a 5% floor where a non-local bidder has to beat a local bidder by that margin, or the job can go to the local bidder. I do not know how much of that is accurate. I know there is a law about how bidding should be handled and who to award the bid to. As a council, I know it is difficult to figure out how to address that law, still take care of our community members, and spend our money the best we can, recognizing that the council answers to the taxpayers. There is a concern out there among different members of the community that we need to help out the local guy. I felt it was an important issue to come here and address it. Attorney Belsheim stated I really do not know what you are talking about. If you are suggesting there is a law out there that bidders from out of state or the local area have to beat local bidders by certain percentage, you are wrong. Mr. Riffel stated I have heard that reference; however, I am not sure if that is true or not. Attorney Belsheim stated it is illegal, if it was out there. Communities on this side of the river are to be awarded to the lowest bid of the most competent bidder. Spread the word and share that fact with the community. The way it should be is that you be a good bidder and present the lowest bid.

Councilwoman Bellm made a motion to temporarily adjourn to conduct an Executive Session pursuant to the Illinois Open Meetings Act, Section 2(c)(1) for discussion of personnel matters and Public Office Section 2(c)(3); seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried. Adjourn at 7:35pm.

Mayor Michaelis reconvened the Regular Session at 9:32pm. Council members Rickher, Bardill, Bellm and Zobrist were present. Others in attendance: City Manager Mark Latham, City Attorney Harold Belsheim, Directors Cook, Gillespie, Rosen, Rusteberg and Schoeck, Police Chief Bell, Supervisor Limestall, EMS Captain Crosby, Deputy City Clerk Hediger, City Clerk Bellm; 9 citizens and 1 member of the news media.

Requests of Council:

No comments were presented.

Staff Reports:

City Manager Latham stated there were additional updates or reports to present.

NEW BUSINESS

Make Tentative Budget Available for Public Review at City Hall and Set Public Hearing for Monday, April 19, 2010, 7:00pm, City Hall – Councilman Bardill made a motion to make the tentative budget, for Fiscal Year 2010-11, available for public review at City Hall and set a public hearing for Monday, April 19, 2010, 7:00pm, at City Hall; second by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Bill #10-33/RESOLUTION Authorizing Execution of License Agreement with ASCAP (American Society of Composers, Authors, and Publishers) for the Licensing of Music within ASCAP'S Repertory – Councilwoman Bellm made a motion to approve Bill #10-33/Resolution #10-04-1870 authorizing execution of license agreement with ASCAP (American Society of Composers, Authors, and Publishers) for the licensing of music within ASCAP's Repertory as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #10-34/ORDINANCE Approving Agreement to Lease a Portion of the Weinheimer Community Center on Sundays Only – Councilman Bardill made a motion to approve Bill #10-34/Ordinance #2413 approving an agreement to lease a portion of the Weinheimer Community Center on Sundays only as attached; seconded by Councilwoman Bellm. Councilwoman Zobrist asked this a Special Use Permit. Supervisor Limestall replied yes, a place of public assembly requires a Special Use Permit. Councilwoman Zobrist made a motion to table this until the Special Use Permit is obtained.

Motion seconded by Councilwoman Bellm. Councilwoman Zobrist stated she had some questions about some other things as well. She recalled an issue we had, a few years back, with regards to the covenants and the men's basketball league. Basically, they can come use the facility at any time, under that agreement. All council members voted aye, none nay. Item tabled.

Bill #10-35/ORDINANCE Declaring Real Estate Surplus Property and Directing that an Appraisal of the Surplus Parcel Be Made – Councilwoman Bellm made a motion to approve Bill #10-35/Ordinance #2413 declaring real estate surplus property and directing that an appraisal of the surplus parcel be made; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilman Rickher left the Council Chamber.

Award Bid #E-01-10 for Demolition of Structures at 805 Chestnut Street – Councilman Bardill made a motion to award Bid #E-01-10 for demolition of structures at 805 Chestnut Street to Earth Services, of Benton, IL, in the amount of \$57,660.00 as attached; seconded by Councilwoman Bellm. City Attorney Harold Belsheim stated I have been directed by the council to state that the Korte Luitjohan bid was disqualified due to inappropriate post-bid activities. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Award Bid #PW-11-08 for Koepfli Lane Extension and Reconstruction Project – Councilwoman Bellm made a motion to award Bid #PW-11-10 for Koepfli Lane Extension and Reconstruction Project to Baxmeyer Construction, of Waterloo, IL, in the amount of \$2,664,735.15 as attached; seconded by Councilman Bardill. City Attorney Harold Belsheim stated I have been directed by the council to state that the Korte Luitjohan bid was disqualified due to inappropriate post-bid activities. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilman Rickher returned to the meeting.

Approve Construction Engineering Contract with Oates Assoc., Inc. for PW-11-08 the Koepfli Lane Extension and Reconstruction Project – Councilman Bardill made a motion to approve a construction engineering contract with Oates Associates, Inc. for PW-11-08 Koepfli Lane Extension and Reconstruction Project in the amount of \$115,500 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm, and Zobrist voted aye, none nay. Councilman Rickher abstained. Motion carried.

Approve NOML Bid #PW-03-10 for City Parking Lot Construction at 1114 Main Street – Councilwoman Bellm made a motion to approve NOML Bid #PW-03-10 for City Parking Lot Construction at 1114 Main Street as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Potential Intergovernmental Agreement with the Board of Trustees of the Louis Latzer Memorial Public Library Relating to Funding of Repairs/Renovations to Library Structure – City Manager Latham stated we received notification from the library board, and we need to state publicly, that the City of Highland does not own the structure or the facilities around it. We hope that representatives from the library board will be here on April 19 for more discussion. Mayor Michaelis stated people have approached me with the perception that the City of Highland owns the library and property. This is not true. The Library Board of Trustees owns the building and property; it was deeded to them, not the City, in 1927.

REPORTS

Approve Warrants #801 & #802 – Councilman Bardill made a motion to approve Warrants #801 & #802 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to temporarily adjourn to conduct an Executive Session pursuant to the Illinois Open Meetings Act, Section 2(c)(16) for discussion of executive session minutes and Section 2(c)(4) to discuss litigation; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried. Meeting adjourned at 9:50pm.

Mayor Michaelis reconvened the Regular Session at 10:00pm. Council members Rickher, Bardill, Bellm and Zobrist were present. Others in attendance: City Manager Mark Latham, City Attorney Harold Belsheim, Director Rusteberg, Police Chief Bell, Deputy City Clerk Hediger, and City Clerk Bellm.

Mayor Michaelis stated nothing discussed in Executive Session will be acted upon this evening.

Councilwoman Bellm motioned to adjourn; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried. Meeting adjourned at 10:02pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk